

LABOR SERVICES DIVISION[875]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 91C.6, the Labor Commissioner hereby amends Chapter 150, “Construction Contractor Registration,” Iowa Administrative Code.

This amendment updates a rule to reflect statutory changes set forth in 2009 Iowa Acts, Senate File 478, section 203. Effective July 1, 2009, 2009 Iowa Acts, Senate File 478, increases the registration fee and changes the registration period. This amendment rescinds a subrule that reflects the prior registration fee and registration period and adopts new language to assist in the transition from the old fee to the new fee.

2009 Iowa Acts, Senate File 478, section 206, gives the Labor Commissioner authority to “adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph ‘b.’” Therefore, pursuant to Iowa Code section 17A.4(3), the Labor Commissioner finds that notice and public participation are unnecessary because this amendment changes the administrative rule to coincide with the statutory provisions. The Labor Commissioner finds that notice and public participation are impracticable because the statutory changes are effective July 1, 2009.

Pursuant to Iowa Code section 17A.5, subsection 2, paragraph “b,” subparagraph (1), the Labor Commissioner finds that the normal effective date of the amendment should be waived and this amendment should be made effective July 1, 2009, based on the statutory authority of 2009 Iowa Acts, Senate File 478, section 206.

This amendment is also published herein under Notice of Intended Action as **ARC 7875B** to allow for public comment. The paragraphs that appear herein as 150.6(1)“a” and “b” appear as subrules 150.6(1) and 150.6(2) in **ARC 7875B**. The language is identical.

The principal reason for adoption of this amendment is to implement legislative intent. No variance procedures are included in these rules because the variance procedures are set forth in 875—Chapter 1.

This amendment is intended to implement Iowa Code chapter 91C and 2009 Iowa Acts, Senate File 478.

This amendment will become effective July 1, 2009.

The following amendment is adopted.

Rescind subrule 150.6(1) and adopt the following **new** subrule in lieu thereof:

150.6(1) Applications.

a. New applications. A new application deposited in the U.S. mail shall be accompanied by the fee effective on the date the application is postmarked. A new application delivered in any other manner shall be accompanied by the fee effective on the date the application is received by the division.

b. Renewal applications. A timely renewal application shall be accompanied by the fee effective on the expiration date of the contractor’s expiring registration. An application for renewal deposited in the U.S. mail after the expiration date of the contractor’s expiring registration shall be accompanied by the fee effective on the date the application is postmarked. An application for renewal delivered to the division in a manner other than U.S. mail and after the expiration date of the contractor’s expiring registration shall be accompanied by the fee effective on the date the application is received by the division.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/17/09.